



Attorney's Docket No.: 06666-040001 / USC2920

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Amy S. Lee
Serial No. : 09/606,804
Filed : June 28, 2000

Art Unit : 1635
Examiner : Brian Whiteman
Confirmation No.: 5664
Notice of Allowance Date: June 4, 2004

Title : STRESS-RESPONSIVE INDUCTION OF A THERAPEUTIC AGENT AND METHODS OF USE

Mail Stop Patent Extension

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

Patentees hereby request that the Patent Term Adjustment for the above-identified U.S. patent be reconsidered. It is Patentees' belief that the Patent Term Adjustment on the Notice of Allowance set at 89 days as stated is incorrect and that the Patent Term Adjustment for which the above-identified patent is entitled is 337 days. This request is proper in that it is submitted before payment of the issue fee.

Under 37 CFR § 1.702, the grounds for reconsideration of patent term adjustment include examination delays under the Patent Term Guarantee Act of 1999. The United States Patent and Trademark Office failed to mail its first action (notification under 35 U.S.C. 132) within fourteen months after the date in which the application was filed.

Under 37 CFR § 1.704(d), the grounds for reconsideration of patent term adjustment include the delay resulting from submitting an information disclosure statement containing prior art cited in a communication from a foreign patent office prior to receipt of a first office action. The communication from a foreign patent office was mailed October 15, 2001. Applicant

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

July 22, 2004

Date of Deposit

Signature

Jennifer H. Payne

Typed or Printed Name of Person Signing Certificate

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submitted the prior art on October 26, 2001, within 30 days of receiving the communication.

The Office received the information disclosure statement on December 31, 2001.

The relevant dates as specified in § 1.703(a) through (e) for which the adjustment is sought and the adjustment as specified in § 1.703(f) to which the patent is entitled is as follows:

Application Filed	June 28, 2000
First Action	October 2, 2002

Adjustment (positive):

14/4/4/4	400 days (between August 28, 2001 and October 2, 2002)*
3-year	No adjustment
Interference	No adjustment
Secrecy Order	No adjustment
Appeal	No adjustment

***Total adjustment = 400 days**

Reductions:

Information Disclosure Statement (prior art cited in communication from a foreign patent office submitted to the U.S. Patent Office within 30 days of receiving the communication)*	0 days
Reply outside 3 months (Reply to Second Action)	63 days (between August 1, 2003 and October 3, 2003)*

***Total reduction = 63 days**

Patent Term Adjustment: 400 days – 63 day = 337 days

The above-identified patent is not subject to a terminal disclaimer.

It is understood that there were no circumstances within this case history that constitute a failure by the Patentees to engage in reasonable efforts to conclude processing or examination of the above-identified application as set forth in 37 CFR § 1.704.

Based on the foregoing, Patentees request that the Patent Term Adjustment on this patent be adjusted to 337 days.

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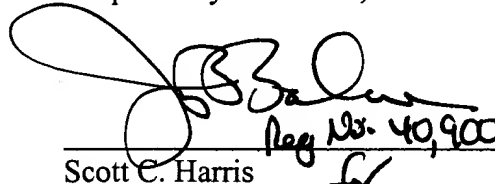
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Enclosed is a check in the amount of \$200 for the fee required under 37 CFR §1.18(e).
Please apply any charges or credits to Deposit Account No. 06-1050, referencing attorney-docket
no. 06666-040001.

Respectfully submitted,

Date: _____

7/22/04

A handwritten signature in black ink, appearing to read "Scott C. Harris", is written over a horizontal line. To the right of the signature, the text "Reg. No. 40,900" is handwritten.

Scott C. Harris
Reg. No. 32,030

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